

BEFORE THE DISCIPLINARY COMMISSION
OF THE SUPREME COURT OF ARIZONA

IN THE MATTER OF A MEMBER
OF THE STATE BAR OF ARIZONA,

No. 01-1570

JASON D. LAMM,
Bar No. 018454

DISCIPLINARY COMMISSION
REPORT

RESPONDENT.

This matter came before the Disciplinary Commission of the Supreme Court of Arizona on January 11, 2003, pursuant to Rule 56(a), Ariz. R. S. Ct., for consideration of the Tender of Admissions and Agreement for Discipline by Consent (Agreement) and Joint Memorandum in support of Agreement for Discipline by Consent (Joint Memorandum), filed December 18, 2002, providing for a censure, participation in the Ethics Enhancement Program (EEP) within 120 days from the date of the final Judgment and Order, and costs of these disciplinary proceedings.

Decision

The eight¹ members of the Commission unanimously recommend accepting and incorporating by reference the Agreement and Joint Memorandum providing for a censure, EEP, and costs of these disciplinary proceedings. In addition, the parties verbally stipulated² to the addition of one (1) year of probation with the Member Assistance Program (MAP). The terms of probation are as follows:


¹ J. Conrad Baran, an attorney and Hearing Officer from Navajo County, participated as an ad hoc member. Commissioner Mehrens recused.

² See oral argument transcript, pp. 18:16-24 and 20:19-21:12.

Terms of Probation

1. Respondent shall, within thirty (30) days of the issuance of the Judgment and Order by the Supreme Court of Arizona, contact the director of MAP at the State Bar of Arizona for an assessment. The MAP director or her designee will assess whether a practice monitor is appropriate. Following that assessment, Respondent agrees to comply with any and all recommendations of the MAP director or her designee;
2. Respondent will participate in EEP within 120 days of the issuance of the Judgment and Order in this matter;
3. In the event Respondent fails to comply with any of the foregoing terms, and information thereof is received by the State Bar, bar counsel shall file with the Disciplinary Commission a Notice of Non-Compliance. The Disciplinary Clerk shall then assign a Hearing Officer. The Hearing Officer shall conduct a hearing at the earliest possible date, but in no event less than thirty (30) days following receipt of notice, to determine whether a condition of probation has been breached and, if so, to recommend an appropriate sanction.
4. If there is an allegation that Respondent failed to comply with any of the foregoing terms, the burden of proof shall be on the State Bar to prove non-compliance by a preponderance of the evidence.

RESPECTFULLY SUBMITTED this 4th day of February 2003.



Jessica G. Funkhouser, Chair
Disciplinary Commission

Original filed with the Disciplinary Clerk
this 4th day of February 2003.

Copy of the foregoing mailed
this 4th day of February 2003, to:

George L. Paul
Respondent's Counsel
Lewis and Roca
40 North Central Ave.
Phoenix, AZ 85004-4429

Copy of the foregoing hand-delivered
this 4th day of February, 2003.

Shauna R. Miller
Bar Counsel
State Bar of Arizona
111 West Monroe, Suite 1800
Phoenix, AZ 85003-1742

by Karen Weigand

/kdl